

AMENDED IN SENATE APRIL 25, 2005

AMENDED IN SENATE APRIL 6, 2005

SENATE BILL

No. 707

Introduced by Senator Kehoe

February 22, 2005

An act to amend Sections 8483, 8483.1, 8483.7, 8483.75, and 8483.9 of, and to add ~~Sections 8484.65 and~~ *Section* 8484.68 to, the Education Code, relating to before and after school programs.

LEGISLATIVE COUNSEL'S DIGEST

SB 707, as amended, Kehoe. Before and after school programs.

Existing law, the After School Education and Safety Program, creates incentives for establishing local before- and after-school enrichment programs and establishes maximum grants for before- and after-school programs. Existing law requires every after school component of a program to operate a minimum of 3 hours a day and at least until 6 p.m. on every regular schoolday.

This bill would authorize the State Department of Education to reimburse a program grantee for up to 125% of the maximum total grant amount for an individual school, so long as the maximum total grant amount for all school programs administered by the program grantee is not exceeded. The bill would ~~also, instead,~~ require every after school component of a program to *commence immediately upon the conclusion of the regular schoolday*, and operate a minimum of 3 hours a day or at least until 6 p.m. on every regular schoolday.

Existing law provides that in no event shall a pupil participate in a before school program less than 1 ½ hours per day to be eligible for funding.

This bill would delete this provision.

Existing law provides that a program participant receiving state funding may expend no more than 15% of that funding on administrative costs.

This bill would provide that those funds need not be earned through pupil attendance.

~~This bill would establish an After School Education and Safety Advisory Committee within the State Department of Education, composed of members as specified, for the purpose of providing information and advice to the Superintendent of Public Instruction regarding state and federal policy and funding issues affecting after school programs.~~

This bill would require an after school program that is prevented from operating due to a natural disaster or an emergency created by war to receive payment commensurate with what it would have reasonably received had it not been prevented from operating. The bill would require the State Department of Education to develop procedures to determine appropriate compensation for sites prevented from operating due to those conditions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 8483 of the Education Code is amended
- 2 to read:
- 3 8483. (a) (1) Every after school component of a program
- 4 established pursuant to this article shall *commence immediately*
- 5 *upon the conclusion of the regular schoolday, and* operate a
- 6 minimum of three hours a day or ~~shall operate~~ at least until 6
- 7 p.m. on every regular schoolday. Every after school component
- 8 of the program shall establish a policy regarding reasonable early
- 9 daily release of pupils from the program. For those programs or
- 10 schoolsites operating in a community where the early release
- 11 policy does not meet the unique needs of that community or
- 12 school, or both, documented evidence may be submitted to the
- 13 department for an exception and a request for approval of an
- 14 alternative plan.
- 15 (2) It is the intent of the Legislature that elementary school
- 16 pupils participate in the full day of the program every day during
- 17 which pupils participate and that pupils in middle school or

1 junior high school attend a minimum of nine hours a week and
2 three days a week to accomplish program goals.

3 (3) In order to develop an age-appropriate after school
4 program for pupils in middle school or junior high school,
5 programs established pursuant to this article may implement a
6 flexible attendance schedule for those pupils. Priority for
7 enrollment of pupils in middle school or junior high school shall
8 be given to pupils who attend daily.

9 (b) The administrators of a program established pursuant to
10 this article have the option of operating during any combination
11 of summer, intersession, or vacation periods for a minimum of
12 three hours per day at the approved rate for the regular school
13 year pursuant to Section 8483.7.

14 SEC. 2. Section 8483.1 of the Education Code is amended to
15 read:

16 8483.1. (a) (1) Every before school program component
17 established pursuant to this article shall commence operation at
18 or before 6 a.m. on every regular schoolday or two hours before
19 the commencement of the regular schoolday. A program may
20 operate less than two hours per regular schoolday, but in no
21 instance shall a program operate for less than one and one-half
22 hours per regular schoolday. Every program shall establish a
23 policy regarding reasonable late daily arrival of pupils to the
24 program.

25 (2) It is the intent of the Legislature that elementary school
26 pupils participate in the full day of the program every day during
27 which pupils participate and that pupils in middle school or
28 junior high school attend a minimum of six hours a week and
29 three days a week to accomplish program goals, except when
30 arriving late in accordance with the late arrival policy described
31 in paragraph (1) or as reasonably necessary.

32 (3) In order to develop an age-appropriate before school
33 program for pupils in middle school or junior high school,
34 programs established pursuant to this article may implement a
35 flexible attendance schedule for those pupils. Priority for
36 enrollment of pupils in middle school or junior high school shall
37 be given to pupils who attend daily.

38 (b) The administrators of a before school program established
39 pursuant to this article shall have the option of operating during
40 any combination of summer, intersession, or vacation periods for

1 a minimum of two hours per day at the approved rate for the
2 regular school year pursuant to Section 8483.75.

3 SEC. 3. Section 8483.7 of ~~the Education~~ *the Education Code*
4 is amended to read:

5 8483.7. (a) (1) (A) Every school that establishes a program
6 pursuant to this article is eligible to receive a three-year
7 renewable incentive grant, that shall be awarded in three
8 one-year increments and is subject to annual reporting and
9 recertification as required by the ~~State Department of Education~~
10 *department*, for either of the following, as selected by the school:

11 (i) Up to five dollars (\$5) per day per pupil, if the program
12 serves pupils in elementary, middle, or junior high school.

13 (ii) Five dollars (\$5) per pupil for each three hours of pupil
14 attendance, with a maximum total reimbursement of twenty-five
15 dollars (\$25) per pupil per week, if the program serves pupils in
16 middle or junior high school. To receive reimbursement pursuant
17 to this subparagraph, the program administrator shall apply to
18 and receive approval annually from the Superintendent of ~~Public~~
19 ~~Instruction~~. Approval by the Superintendent of ~~Public Instruction~~
20 shall be based on program results.

21 (B) The maximum total grant amount awarded annually
22 pursuant to this paragraph shall be seventy-five thousand dollars
23 (\$75,000) for each regular school year for each elementary
24 school and one hundred thousand dollars (\$100,000) for each
25 regular school year for each middle or junior high school.

26 (2) For large schools, the maximum total grant amounts
27 described in paragraph (1) may be increased based on the
28 following formulas, up to a maximum amount of twice the
29 respective limits specified in paragraph (1):

30 (A) For elementary schools, multiply seventy-five dollars
31 (\$75) by the number of pupils enrolled at the schoolsite for the
32 normal schoolday program that exceeds 600.

33 (B) For middle schools, multiply seventy-five dollars (\$75) by
34 the number of pupils enrolled at the schoolsite for the normal
35 schoolday program that exceeds 900.

36 (3) The maximum total grant amounts set forth in
37 subparagraph (B) of paragraph (1) and in paragraph (2) may be
38 increased from any funds made available for this purpose in the
39 annual Budget Act for participating schools that have pupils on
40 waiting lists for the program. Grants may be increased by the

1 lesser of an amount that is either 25 percent of the current
2 maximum total grant amount or equal to the proportion of pupils
3 unserved by the program as measured by documented waiting
4 lists as of January 1, 2001, compared to the actual after school
5 enrollment on the same date. Matching fund requirements shall
6 be increased accordingly.

7 (4) A school that establishes a program pursuant to this article
8 is eligible to receive a supplemental grant to operate the program
9 during any combination of summer, intersession, or vacation
10 periods for a maximum of the lesser of the following amounts:

11 (A) Five dollars (\$5) per day per pupil.

12 (B) Thirty percent of the total grant amount awarded to the
13 school per school year pursuant to this subdivision.

14 (5) Each program shall provide at least 50 percent cash or
15 in-kind local matching funds from the school district,
16 governmental agencies, community organizations, or the private
17 sector for each dollar received in grant funds. Neither facilities
18 nor space usage may fulfill the match requirement.

19 (6) The department may reimburse a program grantee for up to
20 125 percent of the maximum total grant amount for an individual
21 school, so long as the maximum total grant amount for all school
22 programs administered by the program grantee is not exceeded.

23 (b) The administrator of a program established pursuant to this
24 article may supplement, but not supplant existing funding for
25 after school programs with grant funds awarded pursuant to this
26 article. State categorical funds for remedial education activities
27 shall not be eligible as matching funds for those after school
28 programs.

29 (c) Up to 15 percent of the initial year's grant amount for each
30 grant recipient may be utilized for startup costs. Under no
31 circumstance shall funding for startup costs result in an increase
32 in the grant recipient's total funding above the approved grant
33 amount.

34 SEC. 4. Section 8483.75 of the Education Code is amended to
35 read:

36 8483.75. (a) (1) (A) Every school that establishes a before
37 school program component pursuant to Section 8483.1 of this
38 article is eligible to receive a three year renewable incentive
39 grant, that shall be awarded in three one-year increments and is
40 subject to annual reporting and recertification as required by the

~~State Department of Education~~ *department*, for either of the following, as selected by the school:

(i) Up to three dollars and thirty-three cents (\$3.33) per day per pupil for a two hour program, if the program serves pupils in elementary, middle, or junior high school. Per pupil reimbursement rates shall be reduced on a prorated basis for those programs which operate for less than two hours per regular schoolday. The rate shall be determined by multiplying 3.33 by the fraction represented by dividing the minutes of operation per day by 120.

(ii) Three dollars and thirty-three cents (\$3.33) per pupil for each two hours of pupil attendance, with a maximum total reimbursement of sixteen dollars and sixty-five cents (\$16.65) per pupil per week, if the program serves pupils in middle or junior high school. To receive reimbursement pursuant to this subparagraph, the program administrator shall apply to and receive approval annually from the Superintendent ~~of Public Instruction~~. Approval by the Superintendent ~~of Public Instruction~~ shall be based on program results.

(B) The maximum total grant amount awarded annually pursuant to this paragraph shall be twenty-five thousand dollars (\$25,000) for each regular school year for each elementary school and thirty-three thousand dollars (\$33,000) for each regular school year for each middle or junior high school.

(2) For large schools, the maximum total grant amounts described in paragraph (1) may be increased based on the following formulas, up to a maximum amount of twice the respective limits specified in paragraph (1):

(A) For elementary schools, multiply fifty dollars (\$50) by the number of pupils enrolled at the schoolsite for the normal schoolday program that exceeds 600.

(B) For middle schools, multiply fifty dollars (\$50) by the number of pupils enrolled at the schoolsite for the normal schoolday program that exceeds 900.

(3) A school that establishes a program pursuant to this article is eligible to receive a supplemental grant to operate the program during any combination of summer, intersession, or vacation periods for a maximum of the lesser of the following amounts:

(A) Three dollars and thirty-three cents (\$3.33) per day per pupil.

1 (B) Thirty percent of the total grant amount awarded to the
2 school per school year pursuant to this subdivision.

3 (4) Each program shall provide at least 50 percent cash or
4 in-kind local matching funds from the school district,
5 governmental agencies, community organizations, or the private
6 sector for each dollar received in grant funds. Neither facilities
7 nor space usage may fulfill the match requirement.

8 (5) The department may reimburse a program grantee for up to
9 125 percent of the maximum total grant amount for an individual
10 school, so long as the maximum total grant amount for all school
11 programs administered by the program grantee is not exceeded.

12 (b) The administrator of a program established pursuant to this
13 article may supplement, but not supplant existing funding for
14 before school programs with grant funds awarded pursuant to this
15 article. State categorical funds for remedial education activities
16 shall not be eligible as matching funds for those before school
17 programs.

18 (c) Up to 15 percent of the initial year's grant amount for each
19 grant recipient may be utilized for startup costs. Under no
20 circumstance shall funding for startup costs result in an increase
21 in the grant recipient's total funding above the approved grant
22 amount.

23 SEC. 5. Section 8483.9 of the Education Code is amended to
24 read:

25 8483.9. (a) A program participant receiving funding pursuant
26 to this article may expend on indirect costs no more than the
27 lesser of the following:

28 (1) The school district's indirect cost rate, as approved by the
29 department for the appropriate fiscal year.

30 (2) Five percent of the state program funding received
31 pursuant to this article.

32 (b) A program participant receiving state funding pursuant to
33 this article may expend no more than 15 percent of that funding
34 on administrative costs, which funding need not be earned
35 through pupil attendance. For purposes of this section,
36 administrative costs shall include indirect costs, as described in
37 subdivision (a).

38 (c) A program participant receiving state funding pursuant to
39 this program shall ensure that no less than 85 percent of that
40 funding is allocated to schoolsites for direct services to pupils.

1 ~~SEC. 4. Section 8484.65 is added to the Education Code, to~~
2 ~~read:~~

3 ~~8484.65. (a) There is established in the department an After~~
4 ~~School Education and Safety Advisory Committee for the~~
5 ~~purpose of providing information and advice to the~~
6 ~~superintendent regarding state and federal policy and funding~~
7 ~~issues affecting after school programs, based on regular and~~
8 ~~systematic input from providers.~~

9 ~~(b) The membership of the advisory committee shall consist of~~
10 ~~the following persons, all of whom shall be operators of after~~
11 ~~school programs, unless otherwise specified:~~

12 ~~(1) Four appointees by the Governor, one of which shall be a~~
13 ~~person who operates a large elementary after school program and~~
14 ~~one of which shall be a person who operates a rural after school~~
15 ~~program.~~

16 ~~(2) Three appointees by the superintendent, one of which shall~~
17 ~~be a person from a foundation or academic institution who has~~
18 ~~knowledge about after school programs and one of which shall~~
19 ~~be a person who operates a high school after school program.~~

20 ~~(3) Two appointees by the Secretary for Education, one of~~
21 ~~which shall be a person from a nonprofit institution who has~~
22 ~~knowledge about after school programs.~~

23 ~~(4) Two appointees by the Senate Committee on Rules, one of~~
24 ~~which shall be a person who operates a small elementary after~~
25 ~~school program.~~

26 ~~(5) Two appointees by the Speaker of the Assembly, one of~~
27 ~~which shall be a person who operates a middle school after~~
28 ~~school program.~~

29 ~~(e) The advisory committee members shall select one of its~~
30 ~~members to be the chair of the committee. It is the responsibility~~
31 ~~of the chair to act as the conduit between the advisory committee~~
32 ~~and the superintendent and appropriate staff at the department.~~

33 ~~(d) The department shall designate a staff member to serve as~~
34 ~~consultant to the advisory committee.~~

35 ~~(e) The advisory committee shall meet as frequently as~~
36 ~~necessary but at least on a quarterly basis. The meetings of the~~
37 ~~committee may be conducted by teleconference.~~

38 ~~(f) The members of the advisory committee shall serve~~
39 ~~without compensation, including for travel and per diem.~~

1 ~~SEC. 5.~~

2 *SEC. 6.* Section 8484.68 is added to the Education Code, to
3 read:

4 8484.68. (a) An after school program that is prevented from
5 operating due to natural disaster, including, but not limited to,
6 fire, including the October 2003 Cedar Fire in the County of San
7 Diego, flood, earthquake or epidemic, or because of any order of
8 any military officer of the United States or of the state to meet an
9 emergency created by war, or of any civil officer of the United
10 States, the state, or any county, city and county, or city
11 authorized to issue that order to meet an emergency created by
12 war, or because of other extraordinary conditions, shall receive
13 payment commensurate with what the program would have
14 reasonably received had it not been so prevented from operating.

15 (b) The department shall develop procedures to determine
16 appropriate compensation for sites prevented from operating due
17 to conditions described in subdivision (a).